

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PBR SALES, LLC,  
Plaintiff,

v.

LIBERTY PETROLEUM TRADING  
INTERNATIONAL, LLC,  
Defendant.  
-----X

USDC SDNY  
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ELECTRONIC

DOC #:  
DATE FILED

11/27/19

**ORDER**

18 CV 11639 (VB)

On December 13, 2018, plaintiff PBR Sales, LLC commenced this breach of contract action against defendant Liberty Petroleum International LLC. (Doc. #1). On January 29, 2019, defendant answered the complaint and asserted counterclaims for breach of contract and negligent misrepresentation. (Doc. #12). On February 12, 2019, plaintiff answered defendant's counterclaims. (Doc. #19).

On November 19, 2019, the Court dismissed with prejudice plaintiff's claims against defendant, for failure to prosecute and comply with Court orders. (Doc. #31). The November 19 Order instructed defendant to notify the Court whether its counterclaims against plaintiff should proceed. (Id.).

On November 26, 2019, defendant filed a notice stating its intention to continue to prosecute its counterclaims and seek a default judgment against plaintiff. (Doc. #32).

Accordingly, provided plaintiff remains absent in this litigation, defendant is ORDERED to seek a certificate of default as to plaintiff by December 18, 2019, and thereafter to move for default judgment by January 8, 2020. **If defendant fails to satisfy either deadline, the Court may dismiss defendant's counterclaims for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).**

The Clerk is directed to mail a copy of this Order to plaintiff at the following address:

PBR Sales, LLC  
2 Westchester Park Drive  
White Plains, NY 10604

Dated: November 27, 2019  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti  
United States District Judge